

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 420

Session of
2003

INTRODUCED BY WATSON, HESS, PISTELLA, THOMAS, BAKER, BIANCUCCI, CRAHALLA, DAILEY, MACKERETH, MAITLAND, SATHER, R. STEVENSON, ADOLPH, BARD, BROWNE, BUNT, CLYMER, CORRIGAN, COY, CREIGHTON, DALLY, DeLUCA, FLICK, FREEMAN, GEIST, GEORGE, HARHART, HARPER, HENNESSEY, HERMAN, HERSHEY, HORSEY, LEDERER, MARSICO, McILHATTAN, MELIO, MUNDY, NAILOR, PALLONE, PETRI, PETRONE, PICKETT, RUBLEY, SAYLOR, SOLOBAY, E. Z. TAYLOR, TIGUE, TRUE AND REICHLEY, FEBRUARY 24, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 18, 2003

AN ACT

1 Providing for the licensure and regulation of adult living
2 residences; conferring powers and duties on the Department of
3 Public Welfare; adding members to the Intra-Governmental
4 Council on Long-Term Care; providing for an increase to State
5 supplemental assistance for persons in personal care homes;
6 and providing for penalties.

7 The General Assembly finds and declares as follows:

8 (1) Assisted living residences and services are a
9 rapidly growing long-term care alternative across the nation.

10 (2) Assisted living residences are a combination of
11 housing and supportive services as needed. They are widely
12 accepted by the general public because they allow people to
13 age in place, maintain their independence and exercise
14 decision making and personal choice.

15 (3) Consumers continue to say that the three things they
16 want most are:

(i) to stay independent and live at home and in their community as long as possible;

(ii) respect and dignity for the individual; and

(iii) a choice of long-term care and supportive services options.

(4) In Pennsylvania, assisted living residences and supportive services are a private market phenomenon. There is:

(i) no uniform definition of assisted living residence;

(ii) no public oversight of entities which hold themselves out as assisted living residences, although many are licensed as personal care homes;

(iii) no uniform way of assuring quality; and

(iv) limited access for persons with lower incomes.

(5) It is in the best interest of all Pennsylvanians that a system of licensure and regulation be established for assisted living residences in order to ensure accountability and a balance of availability between institutional and home-based and community-based long-term care for older persons and persons with disabilities.

TABLE OF CONTENTS

Section 1. Short title.

Section 2. Definitions.

Section 3. Intra-Governmental Council on Long-Term Care.

Section 4. Powers and duties of Commonwealth departments.

Section 5. Rules and regulations.

Section 6. Criminal history and reporting of suspected abuse.

Section 7. License required.

Section 8. Application for license.

1 Section 9. Issuance of licenses.
2 Section 10. Standards for admission.
3 Section 11. Right to enter and inspect.
4 Section 12. Relocation of consumers in assisted living
5 residences.
6 Section 13. Assisted living residence administrators.
7 Section 14. Staff orientation and training in assisted living
8 residences.
9 Section 15. Staffing levels and training.
10 Section 16. Persons with special needs.
11 Section 17. Violations.
12 Section 18. Reasons for denial, nonrenewal or revocation of a
13 license.
14 Section 19. Licensure appeals.
15 Section 20. Effect of departmental orders.
16 Section 21. Actions against violations of law and regulations.
17 Section 22. Injunction or restraining order when appeal is
18 pending.
19 Section 23. Annual report.
20 Section 24. Legislative Budget and Finance Committee study.
21 Section 25. Committee regulation review.
22 Section 26. Increase to State supplemental assistance for
23 persons in personal care homes.
24 Section 27. Severability.
25 Section 28. Repeal.
26 Section 29. Effective date.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. Short title.

30 This act shall be known and may be cited as the Adult Living

1 Residence License Act.

2 Section 2. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Activities of daily living." Activities including eating,
7 bathing, dressing, toileting, transferring in and out of bed or
8 a chair and personal hygiene.

9 "Adult." A person who is 18 years of age or older.

10 "Adult living residence." A residential premises that
11 provides housing, food, assistance with activities of daily
12 living and scheduled or unscheduled supervision available on a
13 24-hour basis, through contract for more than three adults who
14 are unrelated to the operator of the residential premises and
15 who do not require care in a licensed long-term care nursing
16 facility as that term is defined in the act of July 19, 1979
17 (P.L.130, No.48), known as the Health Care Facilities Act,
18 regardless of whether the operator provides or allows
19 supplemental services such as additional assistance with
20 activities of daily living and intermittent health care services
21 provided by certified, registered or licensed health care
22 professionals. The term shall include a personal care home that
23 has a Category I license and an assisted living residence that
24 has a Category II license. The term shall not include
25 intermediate care facilities exclusively for the mentally
26 retarded, commonly referred to as ICF/MR.

27 "Adult living residency contract." A written agreement, in
28 the form of a contract or contracts between a provider and a
29 consumer needing adult living residence services, regarding the
30 provision and terms of those services.

1 "Aging in place." The process of providing increased or
2 adjusted supportive services to a consumer to compensate for the
3 physical or mental decline that occurs with the aging process
4 over time in order to maximize individual dignity and
5 independence and to permit the person to remain in a familiar,
6 living environment of the person's choice for as long as
7 possible, where such supportive services are provided by a
8 licensed facility or a third party, in a home or community or
9 through volunteers, friends or family.

10 "Area agency on aging." The single local agency designated
11 by the Department of Aging within each planning and service area
12 to administer the delivery of a comprehensive and coordinated
13 plan of social and other services and activities.

14 "Assisted living." Activities as determined and self-
15 directed by a consumer or by a legal representative that permit
16 and assist the consumer to live in a community, including such
17 housing assistance or residency in an assisted living residence
18 that permits the consumer to safely be supported in a residence
19 in which the consumer's independence, dignity and ability to
20 make choices are maintained, to the extent of the consumer's
21 capabilities.

22 "Assisted living residence." A residential setting that:

23 (1) Offers, provides or coordinates a combination of
24 personal care services, recreation and social activities, 24-
25 hour supervision and assisted living services, whether
26 scheduled or unscheduled and that coordinates other health-
27 related services for consumers.

28 (2) Has a supportive service program and physical
29 environment designed to minimize the need for consumers to
30 move within or from the setting in order to accommodate

1 changing needs and preferences.

2 (3) Has an organized mission, service programs and a
3 physical environment designed to maximize consumer dignity,
4 autonomy, privacy and independence and encourages family and
5 community involvement.

6 (4) Provides that costs for housing and services may be
7 independent of one another.

8 (5) Provides consumers with the ability to choose the
9 services to be provided, their service provider and the
10 services to the extent that the assisted living residence
11 does not offer particular services to consumers.

12 (6) Has a goal of fostering aging in place and promoting
13 consumer self-direction and active participation in decision
14 making while emphasizing consumer privacy and dignity.

15 (7) Will disclose services offered, provided or
16 coordinated and the costs thereof.

17 This term does not include a residential living unit maintained
18 by a continuing care provider who is certified by the Insurance
19 Department, a residential unit in a subsidized housing
20 apartment, unless required to be licensed under the Department
21 of Housing and Urban Development Assisted Living Conversion
22 Program, or a boarding home which merely provides room, board
23 and laundry services to persons who do not need personal care
24 services.

25 "Assisted living services." A combination of supportive
26 services, personal care services, personalized assistance
27 services, assistive technology and health-related services
28 designed to respond to the individual needs of consumers who
29 need assistance with activities of daily living and instrumental
30 activities of daily living. The term may include publicly funded

1 home-based and community-based services available through the
2 medical assistance program and the Federal Medicaid Waiver
3 Program and State-funded options for home-based and community-
4 based services authorized through the Department of Aging and
5 the Department of Public Welfare.

6 "Assisted living services agreement." The contract or
7 contracts between a provider and a consumer needing assisted
8 living services regarding the provision and terms of the
9 assisted living services. This term includes contracts between
10 assisted living service providers and entities contracting for
11 services for consumers using public funding.

12 "Assistive technology." Devices and services, whether
13 medically necessary or not, that are used to increase, maintain
14 or improve the functional capabilities of persons with
15 disabilities which may or may not be needed to permit the
16 persons to live independently. The term shall include, but not
17 be limited to, reachers, adapted telephones, reading aids and
18 other nonmedical devices.

19 "Board." The Board of Hearings and Appeals within the
20 Department of Public Welfare of the Commonwealth.

21 "Category I license." An adult living residence license
22 issued under this act to a personal care home.

23 "Category II license." An adult living residence license
24 issued under this act to an assisted living residence.

25 "Cognitive support services." Services provided as part of a
26 comprehensive plan of care to individuals who have memory
27 impairments and other cognitive problems which significantly
28 interfere with their ability to carry out activities of daily
29 living without assistance and who require that supervision,
30 monitoring and programming be available to them 24 hours a day,

1 seven days a week, in order for them to reside safely in the
2 setting of their choice. The term includes assessment, health
3 support services and a full range of dementia-capable activity
4 programming and crisis management.

5 "Comprehensive assessment." A thorough review and analysis
6 of a consumer's functional status. The term includes a personal
7 history, assessment of physical and emotional health, ability to
8 carry out activities of daily living, informal supports,
9 environmental factors and cognitive functioning, including
10 immobility assessment.

11 "Comprehensive service plan." A plan developed to meet a
12 consumer's individual needs, as determined by a comprehensive
13 assessment, and that is developed by an interdisciplinary team
14 that includes the consumer, the consumer's legal representative
15 and the consumer's family member.

16 "Consumer." A person who receives services in an adult
17 living residence, is in need of assisted living services or
18 personal care services and who lives in either an adult living
19 residence with a Category I license or a Category II license.

20 "Department." The Department of Public Welfare of the
21 Commonwealth.

22 "Direct service staff." A person who provides services in an
23 adult living residence, is 18 years of age or older and meets
24 the requirements of this act.

25 "Immobile person." An individual who is unable to move from
26 one location to another or has difficulty in understanding and
27 carrying out instructions without the continued full assistance
28 of another person or is incapable of independently operating a
29 device such as a wheelchair, prosthesis, walker or cane to exit
30 to a point of safety.

1 "Instrumental activities of daily living." The term
2 includes, but is not limited to, meal preparation, using the
3 telephone, handling finances, banking and shopping, light
4 housekeeping, heavy housekeeping and getting to appointments.

5 "License." A Category I license or a Category II license.

6 "Long-term care ombudsman." An agent of the Department of
7 Aging who, pursuant to section 2203-A of the act of April 9,
8 1929 (P.L.177, No.175), known as The Administrative Code of
9 1929, investigates and seeks to resolve complaints made by or on
10 behalf of older individuals or adults with disabilities who are
11 consumers of adult living residences, which complaints may
12 relate to action, inaction or decisions of providers of assisted
13 living services or residences or of personal care homes or of
14 public agencies or of social service agencies or their
15 representatives and which complaints may adversely affect the
16 health, safety, welfare, interests, preferences or rights of
17 consumers.

18 "Options." The Long-Term Care Pre-Admission Assessment
19 Program and the Community Services for Nursing Facility
20 Eligibility Program administered by the Department of Aging and
21 operated by the local area agencies on aging.

22 "Personal care home." A premises in which food, shelter and
23 personal assistance or supervision are provided for a period
24 exceeding 24 hours for four or more consumers who are not
25 relatives of the operator of the premises, who do not require
26 the services in or of a licensed long-term care facility, but
27 who require assistance or supervision in such matters as
28 dressing, bathing, diet, financial management, evacuation of a
29 residence in the event of an emergency or medication prescribed
30 for self-administration.

1 "Personal care services." Assistance or supervision in
2 dressing, bathing, diet, financial management or evacuation of a
3 consumer in a personal care home, in the event of an emergency,
4 or medication prescribed for self-administration.

5 Section 3. Intra-Governmental Council on Long-Term Care.

6 (a) Additional members.--In addition to the members
7 appointed to the Intra-Governmental Council on Long-Term Care in
8 accordance with section 212 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, the Governor shall
10 appoint four representatives of the assisted living community,
11 one of whom shall be an owner or administrator of a licensed
12 assisted living residence and one of whom shall be a consumer of
13 a licensed assisted living residence, one of whom shall be a
14 licensed provider of assisted living services and one of whom
15 shall be a consumer of assisted living services from a licensed
16 provider of assisted living services.

17 (b) Recommendations to be considered.--In developing rules
18 and regulations for licensure of assisted living residences, the
19 Department of Public Welfare shall work in cooperation with the
20 Department of Aging and shall take into consideration
21 recommendations of the Intra-Governmental Council on Long-Term
22 Care.

23 Section 4. Powers and duties of Commonwealth departments and
24 agencies.

25 (a) General rule.--Within one year of the effective date of
26 this act, the following Commonwealth departments shall work in
27 consultation and in cooperation with each other to develop a
28 program of licensure and regulation to govern adult living
29 residences in this Commonwealth:

30 (1) The Department of Public Welfare shall serve as the

1 lead agency in the development and implementation of a
2 program for licensing and regulating adult living residences,
3 to include a Category I license and a Category II license.

4 The department shall coordinate with other State and local
5 agencies having statutory responsibilities relating to adult
6 living residences and providers of assisted living services.

7 (2) The Department of Aging shall formulate and provide
8 to the Aging and Youth Committee of the Senate and the Aging
9 and Older Adult Services Committee of the House of
10 Representatives, within one year of the effective date of
11 this act, recommendations for changes in existing State law
12 and regulations to extend provisions of the act of November
13 6, 1987 (P.L.381, No.79), known as the Older Adults
14 Protective Services Act, to adult living residences and
15 providers of assisted living services and the consumers
16 thereof.

17 (3) The Department of Health shall formulate and provide
18 to the Aging and Youth Committee of the Senate and the Aging
19 and Older Adult Services Committee of the House of
20 Representatives, within six months of the effective date of
21 this act, recommendations for changes in existing State law
22 and regulations to license providers of assisted living
23 services who are not already licensed by the department. Such
24 changes shall include, at a minimum, the following
25 components:

26 (i) The Department of Health shall license assisted
27 living services providers.

28 (ii) Direct service staff employed by assisted
29 living services providers or providing direct care
30 services to consumers in their homes shall meet all

1 training and testing requirements in this act relating to
2 assisted living residences that are not specific to
3 assisted living residence care. Prior to start of
4 training and testing, the applicant shall pass a criminal
5 history background check conducted by the training and
6 testing agency. Direct service staff shall present to
7 assisted living services recipients documentation from
8 the Department of Health that they have passed a criminal
9 history check and have completed the required training.

10 (iii) Entities that do not provide personal care
11 services, but that solely provide assistance with
12 instrumental activities of daily living shall be exempt
13 from the requirements of this act.

14 (4) Within one year of the effective date of this act,
15 the Department of Labor and Industry shall promulgate rules
16 and regulations applicable to assisted living residences in
17 accordance with the act of November 10, 1999 (P.L.491,
18 No.45), known as the Pennsylvania Construction Code Act, and
19 in accordance with this section. The regulations shall apply
20 to all assisted living residences not currently licensed by
21 the Department of Public Welfare as a personal care home and
22 to all personal care homes making an application to the
23 department for a Category II license.

24 (b) Construction.--Nothing in this section shall be
25 construed to preclude the role of any additional Commonwealth
26 departments or agencies in the licensing and regulation of adult
27 living residences, as designated by the Governor.

28 Section 5. Rules and regulations.

29 The department shall promulgate rules and regulations for
30 adult living residences that:

1 (1) Provide that any regulations specifically related to
2 personal care homes, adopted prior to the effective date of
3 this act, set forth in 55 Pa. Code Ch. 2620 (relating to
4 personal care home licensing), and promulgated in accordance
5 with the act of June 13, 1967 (P.L.31, No.21), known as the
6 Public Welfare Code, shall continue to be applied to an owner
7 or administrator of a personal care home under a Category I
8 license. The department shall ensure consistency between such
9 currently existing regulations governing personal care homes
10 and any regulations promulgated in accordance with this act.

11 (2) Develop standards for a Category II license for
12 assisted living residences.

13 (3) Within 90 days of the effective date of this act,
14 adopt rules relating to the conduct of owners and employees
15 of assisted living residences relative to the endorsement or
16 delivery of public or private welfare, pension or insurance
17 checks by a consumer of an assisted living residence.

18 (4) Within 90 days of the effective date of this act,
19 and in consultation with the Department of Aging, the
20 Department of Health, the Intra-Governmental Council on Long-
21 Term Care and the Personal Care Home Advisory Committee,
22 adopt rules for: classification of violations; enforcement
23 measures for violations, including closure of adult living
24 residences with extensive patterns of serious violations or
25 those which are found to have severe violations which
26 constitute a risk to safety of current or potential
27 residents; closure of adult living residences that have
28 failed to obtain a license and that have residents receiving
29 services covered by this act; responding to the needs of
30 residents with cognitive impairments; and protecting

1 residents' rights. Such rules shall be in effect until the
2 adoption of final regulations that cover the same subject
3 matter.

4 (5) Exempt from regulation under this act boarding homes
5 which merely provide room, board and laundry services to
6 persons who do not need adult living residence services.

7 (6) Promote the cost efficiency and effectiveness of
8 visitations and inspections.

9 (7) Delegate to other state and local agencies, as
10 appropriate, responsibility for visitations, inspections,
11 referral, placement and protection of consumers residing in
12 adult living residences or receiving assisted living services
13 from a provider of assisted living services.

14 (8) Evaluate the State's fire and panic laws as applied
15 to adult living residences.

16 (9) Create a uniform standard policy for the discharge
17 of a consumer from an adult living residence, including, at a
18 minimum, advance notice provisions for the consumer.

19 (10) Create a listing of medical conditions or care
20 needs that shall preclude adult living residences from
21 admitting or retaining consumers whose service needs exceed
22 the level of those services available at Category I or
23 Category II residences.

24 (11) Provide for the implementation of fire and safety
25 and consumer care standards relating to adult living
26 residences by cities of the first class, second class and
27 second class A.

28 (12) Ensure that any regulations established in
29 accordance with this section shall be consistent with
30 regulations of the department relating to the funding of

1 residential care for the mentally ill or mentally retarded
2 adults and any regulations of the Department of Aging
3 relating to domiciliary care.

4 (13) Develop standards and qualifications for assisted
5 living residence administrators.

6 (14) Develop standards for orientation and training for
7 all direct service staff in an assisted living residence.

8 (15) Provide for the posting in adult living residences
9 of information regarding the Long-Term Care Ombudsman
10 Program, including the process whereby the services of the
11 local ombudsman can be readily accessed including the
12 telephone number, and name of the contact person. Such
13 information shall be posted in a conspicuous location that is
14 readily accessible and shall be presented in a form easily
15 understood and read by consumers.

16 (16) Develop standards, for admission to adult living
17 residences and for provision of assisted living services,
18 including:

19 (i) Completion of a comprehensive assessment process
20 and development of a comprehensive service plan for each
21 consumer.

22 (ii) Requirements for information which must be
23 provided to consumers of adult living residences and
24 assisted living services.

25 (iii) Requirements for adult living residency
26 contracts, including development of a standardized adult
27 living residency contract.

28 Section 6. Criminal history and reporting of suspected abuse.

29 The requirements of Chapters 5 and 7 of the act of November
30 6, 1987 (P.L.381, No.79), known as the Older Adults Protective

1 Services Act, shall apply to adult living residences and
2 providers of assisted living services.

3 Section 7. License required.

4 No person shall establish, maintain, operate or hold itself
5 out as authorized to establish, maintain or operate:

6 (1) A personal care home without first having obtained a
7 Category I license issued by the department.

8 (2) An assisted living residence without first having
9 obtained a Category II license issued by the department.

10 Section 8. Application for license.

11 (a) Submission to department.--Any provider desiring to
12 secure a Category I license or Category II license shall submit
13 an application on a form prescribed by the department and shall
14 submit any other information required by the department.

15 (b) Fees.--The following fee shall accompany an application
16 for a license or for renewal of a license until modified by the
17 department by regulation:

18 (1) Residences with less than 20 beds - \$50.

19 (2) Residences with 20-50 beds - \$100.

20 (3) Residences with 51-100 beds - \$250.

21 (4) Residences with more than 100 beds - \$500.

22 Section 9. Issuance of licenses.

23 A license issued by the department under this act shall:

24 (1) Be issued for a period not to exceed one year.

25 (2) Be issued only to the applicant.

26 (3) Be issued only when the applicant has achieved
27 compliance with the rules and regulations of the Commonwealth
28 departments provided for under sections 4 and 5.

29 (4) Not be transferable unless the department approves
30 the transfer of license. The department may deny transfers to

1 friends, relatives or business associates, if it appears that
2 the purpose of the transfer is to avoid licensure action or
3 if it appears that the previous owner will continue to have
4 involvement in the residence or business.

5 (5) Be posted at all time in a conspicuous and readily
6 accessible place on the premises of the adult living
7 residence.

8 Section 10. Standards for admission.

9 The rules and regulations for the licensing of adult living
10 residences promulgated by the department not later than one year
11 after the effective date of this act shall provide that:

12 (1) Prior to admission to an adult living residence, an
13 initial standardized screening instrument shall determine the
14 appropriateness of the admission and shall be completed for
15 all consumers. This standardized screening instrument shall
16 be developed by the Department of Public Welfare, in
17 cooperation with the Department of Aging, the Department of
18 Health and the Intra-Governmental Council on Long-Term Care.
19 In no way shall the utilization of this standardized
20 instrument be in lieu of an options assessment for any
21 consumer who may need publicly funded services.

22 (2) In addition to the screening, a medical evaluation
23 shall be completed and signed by a physician prior to
24 admission to an adult living residence, using a form approved
25 by the department. Thereafter, an annual screening and a
26 medical evaluation shall be administered to each consumer
27 annually and when there is a significant change in condition
28 of the consumer. A subsequent screening and evaluation may be
29 prompted by a request from the consumer, the residence, the
30 consumer's family or their legal representative, where

1 applicable.

2 (3) Following completion of a comprehensive assessment,
3 an appropriately trained person at the residence shall work
4 in cooperation with an interdisciplinary team that includes
5 the consumer, the consumer's legal representative or the
6 consumer's family member to develop a written comprehensive
7 service plan consistent with the consumer's unique physical
8 and psychosocial needs with recognition of the consumer's
9 capabilities and preferences.

10 (4) Adult living residences may not admit a consumer
11 before a determination has been made that the needs of the
12 consumer can be met based upon:

13 (i) The completed screening instrument.

14 (ii) The medical evaluation report.

15 (iii) An interview between the adult living
16 residence and the consumer, and if applicable, the
17 consumer's family, legal representative, or both.

18 (5) Assisted living residences with a Category II
19 license shall:

20 (i) Foster aging in place and promote consumer self-
21 direction and active participation in decision making
22 while emphasizing a consumer's privacy and dignity.

23 (ii) Permit consumers to live independently in the
24 residential environment of their choice with privacy and
25 dignity.

26 (iii) Promote integration of consumers into the
27 community and participation in the mainstream of
28 activities.

29 (iv) Maximize consumer choice to promote and support
30 the consumer's changing needs and preferences.

(v) Be consumer oriented and meet professional standards of quality.

(6) An assisted living residence administrator shall refer a consumer whose needs cannot be met by an assisted living residence for a standardized screening.

(7) A comprehensive service plan shall be on file for each consumer and shall be strictly adhered to in the provision of care and services provided to the consumer.

(8) Each consumer, or the consumer's legal representative, shall receive an information packet at the time of application which shall include the following items, to be presented in a form easily understood and read by the consumer:

(i) A copy of the adult living residence's policies.

(ii) Advance directive information, including information on the right to have or not have an advance directive.

(iii) Information regarding licensure status.

(iv) Telephone numbers of the local long-term care ombudsman program and the local area agency on aging.

(v) A copy of the adult living residency contract used by the adult living residence and all rates charged.

(vi) A copy of the internal complaint resolution mechanism used by the adult living residence.

(vii) A disclosure stating the rights of consumers under this act.

(viii) Information regarding the discharge policy of the adult living residence.

(9) All consumers shall receive a standard written adult living residency contract which shall include the actual rent

1 and other charges for services provided by the adult living
2 residence. The contract shall also include a disclosure
3 statement which shall include the following:

4 (i) That the consumer shall have 24 hours from the
5 time of presentation to sign the contract.

6 (ii) That if the contract is signed upon
7 presentation, the consumer shall have 72 hours to rescind
8 the contract.

9 (10) A consumer shall have the right to leave and return
10 to the adult living residence, receive visitors, have access
11 to a telephone and mail and participate in religious
12 activities.

13 (11) Adult living residence owners, administrators and
14 direct service staff shall be prohibited from being assigned
15 power of attorney or guardianship for consumers.

16 Section 11. Right to enter and inspect.

17 (a) General rule.--The department shall have the right to
18 enter and inspect any adult living residence that is licensed or
19 required to be licensed under this act, with or without prior
20 notice. The department shall have the right to free and full
21 access to inspect and examine the assisted living residence and
22 its grounds and the records of the residence and the licensee.
23 The department shall also have immediate and full opportunity to
24 privately interview any member of the direct service staff. The
25 department shall contact the Long-Term Care Ombudsman and shall
26 utilize any consumer-related information available to be
27 provided by that office when conducting inspections under this
28 section.

29 (b) Initial licensure inspection.--Before an adult living
30 residence is licensed and permitted to open, operate or admit

1 residents and before assisted living services are provided to
2 consumers, it shall be inspected by the department and be found
3 in compliance with the requirements set forth in this act and
4 the resulting regulations.

5 (c) Annual unannounced inspections required.--The department
6 shall annually conduct at least one onsite, unannounced
7 inspection of each adult living residence.

8 (d) Special unannounced inspections.--Within 24 hours, upon
9 receipt of a complaint from any person alleging an immediate
10 serious risk to the health or safety of a consumer in an adult
11 living residence, the department shall conduct an onsite
12 unannounced inspection of the adult living residence. Complaints
13 prompting an inspection pursuant to this subsection may include
14 severe injury or death of a consumer in the adult living
15 residence, reports of abuse or conditions or practices that
16 create an immediate and serious risk to a consumer.

17 (e) Time period for unannounced inspections.--Except for
18 complaints under subsection (d), the department shall determine
19 the acceptable time period in which complaints shall be
20 investigated based upon the seriousness of the complaint.

21 (f) Annual report.--The department shall submit on an annual
22 basis a report to the Aging and Youth Committee of the Senate
23 and the Aging and Older Adult Services Committee of the House of
24 Representatives regarding the findings of the inspections
25 required by this section.

26 (g) Administrative search warrants.--Notwithstanding the
27 inspection and access powers of the department under subsection
28 (a), upon showing probable cause that there is a violation of
29 this act or regulations under this act, a court of competent
30 jurisdiction or a district justice where the residence is

1 located shall issue an administrative search warrant to the
2 department. The warrant shall identify the address of the adult
3 living residence to be searched, the hours during which the
4 search will occur and any documents or objects to be seized.

5 Section 12. Relocation of consumers in assisted living
6 residences.

7 (a) Conditions.--Except as provided in subsection (c), the
8 department, in conjunction with appropriate local authorities,
9 shall relocate consumers from an assisted living residence if
10 any of the following conditions exist:

11 (1) The assisted living residence is operating without a
12 license.

13 (2) The licensee is voluntarily closing the assisted
14 living residence and relocation is necessary for the health
15 and safety of the consumers.

16 (3) The licensee is being involuntarily closed or has
17 engaged in conduct that endangers the health and safety of
18 consumers.

19 (b) Assistance.--The department shall offer relocation
20 assistance to consumers relocated under this section. Except in
21 an emergency, consumers shall be involved in planning their
22 transfer to another placement and shall have the right to choose
23 among the available alternative placements. The department may
24 make temporary placement until final placement can be arranged.
25 Consumers shall be provided with an opportunity to visit
26 alternative placement before relocation or following temporary
27 emergency relocation. Consumers shall choose their final
28 placement and shall be given assistance in transferring to such
29 place.

30 (c) When prohibited.--Consumers may not be relocated

1 pursuant to this section if the department determines in writing
2 that such relocation is not in the best interest of the
3 consumers.

4 Section 13. Assisted living residence administrators.

5 (a) Appointment.--No later than 90 days after the effective
6 date of this act, all assisted living residences shall identify
7 and appoint an assisted living residence administrator or
8 administrators who meet, within one year of the effective date
9 of the regulations promulgated under section 5, at a minimum,
10 the qualifications provided in this section.

11 (b) Qualification.--An assisted living residence
12 administrator shall satisfy either of the following
13 qualifications:

14 (1) (i) be 21 years of age or older and be of good
15 moral character;

16 (ii) have a high school diploma or a GED
17 equivalency; and

18 (iii) have knowledge, education and training, as it
19 pertains to assisted living residences, in all of the
20 following:

21 (A) Fire prevention and emergency planning.

22 (B) First aid and cardiopulmonary resuscitation
23 (CPR) certification, medications, medical terminology
24 and personal hygiene.

25 (C) Federal, State and local laws and
26 regulations.

27 (D) Nutrition, food handling and sanitation.

28 (E) Recreation.

29 (F) Matters relating to dementia, including
30 normal aging, cognitive, psychological and function

1 abilities of older persons.

2 (G) Mental health issues.

3 (H) Assisted living philosophy.

4 (I) Use and benefits of assistive technology.

5 (J) Team building and stress reduction for
6 assisted living residence staff.

7 (K) Working with family members.

8 (L) Awareness, identification, prevention and
9 reporting of abuse and neglect.

10 (M) Mission and purpose of services to
11 individuals with cognitive impairments.

12 (N) Communication skills and management of
13 behavioral challenges.

14 (O) Community resources and social services.

15 (P) Staff supervision, budgeting, financial
16 recordkeeping and training; or

17 (2) Be a licensed nursing home administrator or
18 certified personal care home administrator who has completed
19 a course of instruction in the administration of an assisted
20 living residence, including instruction in all areas
21 enumerated under paragraph (1)(iii).

22 (c) Training.--All administrators shall complete a
23 department-approved training course of a minimum of 120 hours.
24 All administrators shall pass a test which has been approved by
25 the department and administered by an entity approved by the
26 department at the end of training to demonstrate proficiency in
27 the application of skills and knowledge.

28 (d) Continuing education.--Every two years, all
29 administrators shall complete 36 hours of continuing education
30 that has been approved by the department and is applicable to

1 the practice of assisted living administrators.

2 Section 14. Staff orientation and training in assisted living
3 residences.

4 (a) General rule.--The department shall promulgate
5 regulations, not later than 90 days after the effective date of
6 this act to develop standards for orientation and training for
7 all direct service staff in assisted living residences. Such
8 orientation and training shall include the following areas:

9 (1) Fire prevention and emergency planning.

10 (2) First aid and CPR certification, medications,
11 medical terminology and personal hygiene.

12 (3) Federal, State and local laws and regulations.

13 (4) Nutrition, food handling and sanitation.

14 (5) Recreation.

15 (6) Matters relating to dementia, including normal
16 aging, cognitive, psychological and functional abilities of
17 older persons.

18 (7) Mental health issues.

19 (8) Assisted living philosophy.

20 (9) Use and benefits of assistive technology.

21 (10) Team building and stress reduction for assisted
22 living residence staff.

23 (11) Working with family members.

24 (12) Awareness, identification, prevention and reporting
25 of abuse and neglect.

26 (13) Mission and purpose of services to individuals with
27 cognitive impairments.

28 (14) Communication skills and management of behavioral
29 challenges.

30 (15) Community resources and social services.

1 (b) Department-administered training.--If not otherwise
2 available, the department shall schedule and offer, at cost,
3 training and educational programs for a person to meet the
4 knowledge, educational and training requirements established by
5 this act.

6 Section 15. Staffing levels and training.

7 (a) General rule.--The department shall establish staffing
8 levels for assisted living residences depending upon the
9 facility population, mobility of residents and cognitive
10 impairments to insure:

11 (1) Direct service staff to meet the unplanned and
12 unscheduled needs of consumers.

13 (2) Direct service staff to meet consumers' planned and
14 scheduled needs as required in their comprehensive service
15 plans.

16 (3) Additional staff or contracted services to meet
17 laundry, food service, housekeeping, transportation and
18 maintenance needs of the assisted living residence.

19 (b) Training.--All direct service staff shall complete a
20 department approved education and training program and obtain a
21 certificate of completion. Direct service staff shall complete
22 training and demonstrate proficiency in a manner approved by the
23 department in each training component prior to independent work
24 in that area.

25 Section 16. Persons with special needs.

26 (a) Immobile persons.--Immobile persons who do not require
27 the services of a licensed long-term care facility, but who
28 require assisted living residence services, shall be permitted
29 to reside in an adult living residence with a Category II
30 license, provided that the design, construction, staffing or

operation of the assisted living residence allows for safe emergency evacuation.

(b) Alzheimer's disease, dementia and cognitive impairment.--For consumers with Alzheimer's disease or dementia or where the adult living residence holds itself out to the public as providing services or housing for persons with cognitive impairments, adult living residences shall disclose to consumers and provide:

(1) the residence's written statement of its philosophy and mission which reflects the needs of individuals with cognitive impairments;

(2) a description of the residence's physical environment and design features to support the functioning of adults with cognitive impairments;

(3) a description of the frequency and types of individual and group activities designed specifically to meet the needs of residents with cognitive impairments;

(4) a description of security measures provided by the facility;

(5) a description of training provided to staff regarding provision of care to consumers with cognitive impairments;

(6) a description of availability of family support programs and family involvement; and

(7) the process used for assessment and establishment of a plan of services for the consumer, including methods by which the plan of services will remain responsive to changes in the consumer's condition.

(c) Cognitive support services.--

(1) An adult living residence shall provide to a

cognitively impaired consumer cognitive support services,
including dementia-specific activity programming.

(2) Within 30 days of admission of a cognitively
impaired consumer, the adult living residence shall register
the consumer with the Commonwealth's Safe Return Program for
individuals with cognitive impairments and tendencies to
wander.

Section 17. Violations.

~~(a) Notice of violations.~~

~~(1) If the department, whether upon inspection,
investigation or complaint, finds a violation of this act or
regulations promulgated under this act, it shall give written
notice to the licensee specifying the violation or violations
found. The notice shall require the licensee to take action
or to submit a plan of correction to bring the licensee into
compliance with applicable law or regulation within a
specified time.~~

~~(2) The licensee shall, within 15 days of receipt of the
written notice or sooner if directed to do so by the
department, submit a plan of correction.~~

~~(3) The department may revoke a license before providing
notice or before a plan of correction is submitted whenever a
violation poses a significant threat to the health or safety
of the consumers in an adult living residence.~~

~~(b) Administrative fines. If the department determines that
an adult living residence has failed to comply with the
provisions of this act or the regulations promulgated under this
act, it may assess an administrative fine of not more than
\$1,000 per day per violation. In setting the fine, the
department shall consider the severity of the violation and~~

~~whether there is a pattern of violations. Money collected by the~~

(A) NOTICE OF VIOLATIONS.--UPON FINDING A VIOLATION OF THIS
ACT OR THE DEPARTMENT'S REGULATIONS, THE DEPARTMENT SHALL ISSUE
A NOTICE OF VIOLATION TO THE LICENSEE. THE NOTICE SHALL INDICATE
THE CLASS OF VIOLATION, THE FINE DUE, THE DATE BY WHICH AN
ACCEPTABLE PLAN OF CORRECTION MUST BE SUBMITTED TO THE
DEPARTMENT AND THE DATE BY WHICH THE VIOLATION MUST BE CORRECTED
TO AVOID ADDITIONAL FINES.

(B) CLASSIFICATION OF VIOLATIONS.--THE DEPARTMENT SHALL
CLASSIFY VIOLATIONS INTO THREE CLASSES OF VIOLATIONS: CLASS I,
II AND III WITH CLASS I BEING THE MOST DANGEROUS OR HARMFUL TO
HEALTH, SAFETY AND WELL-BEING AND CLASS III BEING THE LEAST.
VIOLATIONS SHALL BE CLASSIFIED BASED ON SCOPE AND SEVERITY,
INCLUDING IMPACT AND POTENTIAL IMPACT.

(C) FINES.--

(1) THE DEPARTMENT SHALL:

(I) DEVELOP A PROCESS FOR ASSESSING FINES WHICH
SHALL PROVIDE THAT THE MOST SERIOUS VIOLATIONS OR A
PATTERN OF NONCOMPLIANCE SHALL LEAD TO IMPOSITION OF A
SET FINE PER RESIDENT WITHOUT AN OPPORTUNITY FOR THE
LICENSEE TO CORRECT.

(II) IMPOSE AN ADDITIONAL SET FINE FOR EACH CLASS OF
VIOLATION PER RESIDENT PER DAY THAT THE VIOLATION REMAINS
UNCORRECTED BEYOND THE CORRECTION DATE CALLED FOR BY THE
DEPARTMENT.

(2) FINES SHALL ALSO BE IMPOSED FOR FAILURE TO COMPLY
WITH AN APPROVED PLAN OF CORRECTION AND OFFERING FALSE PROOF
OF CORRECTION.

(3) MONEY COLLECTED BY THE department under this section
shall be used to defray the expenses incurred by consumers

1 relocated under this act. Any moneys remaining shall be used
2 by the department for enforcing the provisions of this act.
3 Fines collected pursuant to this act shall not be subject to
4 the provisions of 42 Pa.C.S. § 3733 (relating to deposits
5 into account).

6 (D) CORRECTION OF VIOLATIONS.--WHEN CITED FOR VIOLATION, A <—
7 LICENSEE SHALL SUBMIT A PLAN OF CORRECTION INDICATING HOW IT
8 WILL REMEDY THE PROBLEM AND PREVENT RECURRENCE. THE DEPARTMENT
9 SHALL DETERMINE WHETHER THE PLAN OF CORRECTION IS ACCEPTABLE AS
10 A TOOL WHICH, UPON IMPLEMENTATION, WILL BRING THE FACILITY INTO
11 COMPLIANCE. CORRECTION MUST BE ACHIEVED, IN ACCORDANCE WITH THE
12 PLAN OF CORRECTION OR DEPARTMENT INSTRUCTIONS, PRIOR TO THE
13 ISSUANCE OR RENEWAL OF A LICENSE. THE LICENSEE MUST DEMONSTRATE
14 IMPLEMENTATION OF THE PLAN AND PROVIDE VERIFICATION TO THE
15 DEPARTMENT THAT COMPLIANCE HAS BEEN ACHIEVED IN ORDER TO
16 MAINTAIN LICENSURE STATUS AND AVOID ADDITIONAL FINES. SUBMISSION
17 OF A PLAN OF CORRECTION SHALL NOT AMOUNT TO CORRECTION.

18 (E) COMPLAINTS.--

19 (1) THE DEPARTMENT SHALL RECEIVE COMPLAINTS 24 HOURS A
20 DAY. COMPLAINTS SUBMITTED TO THE DEPARTMENT SHALL BE
21 INVESTIGATED SWIFTLY BASED ON THE THREAT THE ALLEGATION, IF
22 TRUE, POSES TO THE COMPLAINANT AND OTHER RESIDENTS. IN
23 DETERMINING THE THREAT POSED AND THE TIME FRAME WITHIN WHICH
24 TO INVESTIGATE, THE DEPARTMENT SHALL PRESUME THE FACTS
25 ALLEGED TO BE TRUE.

26 (2) INVESTIGATIONS SHALL BE THROUGH UNANNOUNCED
27 INSPECTIONS CONDUCTED BY DEPARTMENT STAFF WHO HAVE RECEIVED
28 TRAINING IN COMPLAINT INVESTIGATION TECHNIQUES OR A SEPARATE
29 DELEGATED COMPLAINT INVESTIGATION TEAM.

30 (3) IN NO CIRCUMSTANCES SHALL THE COMPLAINT

1 INVESTIGATION BE COMPLETED BY THE LICENSING REPRESENTATIVE
2 ASSIGNED TO THE ANNUAL LICENSING INSPECTIONS FOR THE
3 FACILITY.

4 (F) PROVISIONAL LICENSE.--

5 (1) WHERE A LICENSEE HAS UNCORRECTED CLASS III
6 VIOLATIONS, BUT AN ACCEPTABLE PLAN OF CORRECTION HAS BEEN
7 SUBMITTED, THE LICENSEE MAY BE ISSUED A PROVISIONAL LICENSE
8 FOR A PERIOD OF UP TO SIX MONTHS. ANY SUBSEQUENT PROVISIONAL
9 LICENSE MAY ONLY BE ISSUED FOR DIFFERENT CLASS III VIOLATIONS
10 THAN WERE THE CAUSE OF THE PREVIOUS PROVISIONAL LICENSE.

11 (2) A LICENSEE MAY RECEIVE UP TO FOUR CONSECUTIVE
12 PROVISIONAL LICENSES, HOWEVER, THE LICENSEE MUST THEN ACHIEVE
13 FULL COMPLIANCE OR NO LICENSE SHALL BE ISSUED. NO SUBSEQUENT
14 PROVISIONAL LICENSE SHALL BE ISSUED IN THE CASE OF RECURRENCE
15 OF THE SAME VIOLATIONS.

16 ~~(e)~~ (G) Criminal penalties.--A licensee that intentionally <—
17 commits a violation or continues to operate an adult living
18 residence without a license by the department commits a
19 misdemeanor of the second degree and shall, upon conviction, be
20 sentenced to pay a fine of \$5,000 or to imprisonment for not
21 more than two years, or both.

22 Section 18. Reasons for denial, nonrenewal or revocation of a
23 license.

24 The department may deny, refuse or renew or revoke a license
25 for all or any portion of an adult living residence or may
26 suspend or restrict admissions to the residence for any of the
27 following reasons:

28 (1) Failure of a licensee to submit an acceptable plan
29 of correction with a reasonable timetable to correct
30 violations.

(2) The existence of a pattern of violations.

(3) Failure to comply with a plan of correction or to report violations in accordance with a timetable submitted by the applicant and agreed upon by the department.

(4) Fraud or deceit in obtaining or attempting to obtain a license.

(5) Lending, borrowing or using the license of another or in any way knowingly aiding or abetting the improper granting of a license.

(6) Incompetence, negligence or misconduct in operating the adult living residence.

(7) Mistreatment or abuse of a consumer of the adult living residence.

(8) Violation of the provisions of this act or the regulations promulgated under this act.

(9) Violation of other applicable Federal or State laws.

Section 19. Licensure appeals.

(a) Nature of proceeding.--A licensee aggrieved by a decision of the department under this act shall have the right to an appeal. The appeal shall be conducted in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) to the board.

(b) Time for hearing.--

(1) Except as provided in paragraph (2), a hearing shall be held by the board within 90 days of receipt of the notice of request for a hearing.

(2) If the board determines that continued operation, pending administrative review, poses an immediate threat to the consumers in the assisted living residence or if the department has implemented an emergency action pursuant to

1 section 21(c) and a timely request for a hearing has been
2 made, a hearing shall be held within 15 days after the
3 receipt of the response or request for a hearing.

4 (3) Hearing dates specified in this subsection may be
5 extended by the board for good cause if agreed to by all
6 parties.

7 (c) Decisions.--A decision shall be issued within 60 days
8 after the final day of the hearing. In the case of an expedited
9 hearing under subsection (b)(2), a decision shall be issued
10 within five days after the final date of the hearing.

11 (d) Subpoenas.--The presiding officer may issue a subpoena
12 at the request of either party.

13 (e) Discovery.--Discovery shall be limited to reasonable
14 requests for production of documents and identification of
15 witnesses. All other discovery shall be by mutual agreement of
16 the parties.

17 Section 20. Effect of departmental orders.

18 Orders of the department from which no appeal is taken to the
19 board and orders of the board from which no timely appeal is
20 taken to the court shall be final orders and may be enforced by
21 a court of competent jurisdiction.

22 Section 21. Actions against violations of law and regulations.

23 (a) Violations.--Whenever any person, regardless of whether
24 such person is a licensee, has violated any of the provisions of
25 this act or the regulations issued pursuant thereto, the
26 department may maintain an action in the name of the
27 Commonwealth for an injunction or other process restraining or
28 prohibiting such person from engaging in such activity.

29 (b) Residence closure for threat to health or safety.--
30 Whenever the department determines that a violation poses an

1 immediate and serious threat to the health or safety of the
2 consumers of an adult living residence, the department may
3 direct the closure of the residence and the transfer of the
4 consumers to other adult living residences with either a
5 Category I or a Category II license or other locations that are
6 determined to appropriately meet the care needs of the displaced
7 consumers. The department may petition the Commonwealth Court or
8 the court of common pleas of the county in which the adult
9 living residence is located to appoint the department temporary
10 management of the adult living residence. If granted, the
11 department shall assume operation of the adult living residence
12 at the licensee's expense until there is an orderly closure of
13 the adult living residence.

14 (c) Unlicensed adult living residences.--

15 (1) Whenever a license is required by this act, the
16 department may maintain an action in a court of competent
17 jurisdiction in the name of the Commonwealth for an
18 injunction or other process restraining or prohibiting any
19 person from establishing, maintaining or operating an adult
20 living residence that does not possess a Category I license
21 or Category II license.

22 (2) If a person who is refused a license or the renewal
23 of a license to operate or conduct an adult living residence,
24 or whose license to operate or conduct an adult living
25 residence is revoked, fails to appeal, or should such appeal
26 be decided finally favorable to the department, then the
27 court shall issue a permanent injunction upon proof that the
28 person is operating or conducting an adult living residence
29 without a license as required by this act.

30 Section 22. Injunction or restraining order when appeal is

1 pending.

2 Whenever the department refuses to renew or revokes a license
3 or orders a person to refrain from violating this act or the
4 regulations promulgated under this act and the person, deeming
5 himself aggrieved by the refusal, revocation or order, appeals
6 from the action of the department to the board or from the order
7 of the board to the court, the court may during pendency of the
8 appeal:

9 (1) issue a restraining order or injunction upon a
10 showing that the continued operation of the adult living
11 residence adversely affects the health, safety or care of the
12 consumers of the adult living residence; or

13 (2) authorize continued operation of the residence or
14 make such other order, pending final disposition of the case,
15 as justice and equity require.

16 Section 23. Annual report.

17 (a) Contents of.--The Department of Public Welfare shall,
18 after consulting with the Department of Aging and the Department
19 of Health, provide an annual report to the Intra-Governmental
20 Council on Long-Term Care. The annual report shall include, at a
21 minimum, the following:

22 (1) The total number of adult living residences and
23 assisted living services providers in this Commonwealth as
24 well as the numbers of residences and providers newly
25 licensed within the previous year. Such report shall also
26 include information presented separately regarding Category I
27 Personal Care Homes and Category II Assisted Living
28 Residences.

29 (2) Complaints received by the licensing departments,
30 the ombudsman program or the protective services units in

1 each area agency on aging and the outcome of any
2 investigations.

3 (3) Commonwealth costs associated with the licensing,
4 inspection and payment of assisted living services.

5 (4) The availability of assisted living residences and
6 assisted living services to consumers and any barriers
7 experienced by consumers in accessing assisted living
8 residences and assisted living services.

9 (5) General profile information regarding the types of
10 consumers accessing assisted living residences and assisted
11 living services.

12 (6) The costs experienced by consumers in assisted
13 living residences and by consumers using assisted living
14 services.

15 (7) Recommendations for additional legislative or
16 regulatory action to improve the quality, affordability or
17 accessibility of assisted living in this Commonwealth.

18 (b) Review process.--The Intra-Governmental Council on Long-
19 Term Care shall have 30 days to review the report and to prepare
20 written comments thereto. Such comments shall include
21 recommendations regarding legislation or regulations and
22 reporting methods. After the 30-day review and comment period,
23 the council shall forward the department's report and their
24 written comments to the Governor, the Aging and Youth Committee
25 of the Senate and the Aging and Older Adult Services Committee
26 of the House of Representatives.

27 Section 24. Legislative Budget and Finance Committee study.

28 Within nine months after the effective date of this act, the
29 Legislative Budget and Finance Committee shall report to the
30 General Assembly on existing Federal and other states'

1 initiatives and programs that provide financial assistance for
2 assisted living. This study shall include information on other
3 Federal or state assisted living programs that are effectively
4 administered and can be considered a model.

5 Section 25. Committee regulation review.

6 In accordance with the act of June 25, 1982 (P.L.633,
7 No.181), known as the Regulatory Review Act, all regulations
8 promulgated pursuant to this act shall be referred to the Aging
9 and Youth Committee of the Senate and the Aging and Older Adult
10 Services Committee of the House of Representatives.

11 Section 26. Increase to State supplemental assistance for
12 persons in personal care homes.

13 (a) General rule.--Notwithstanding any other provision of
14 the act of June 13, 1967 (P.L.31, No.21), known as the Public
15 Welfare Code, or regulations of the department to the contrary,
16 the amount of the State supplemental assistance payable to a
17 person who is eligible under section 432(2)(ii) of the Public
18 Welfare Code and who is a resident of a personal care home shall
19 be increased by an amount of \$15 per day.

20 (b) Consumer Price Index Adjustment.--The amount of State
21 supplemental assistance payable under subsection (a) shall be
22 increased beginning July 1, 2004, by an amount equal to the
23 increase in the Consumer Price Index for Urban Wage Earners for
24 the immediately preceding calendar year, which amount shall be
25 published in the Pennsylvania Bulletin annually by the
26 department on or before the preceding November 30.

27 Section 27. Severability.

28 If any provision of this act or the application thereof to
29 any person or circumstances is held invalid, such invalidity
30 shall not affect other provisions or applications of the act

1 which can be given effect without the invalid provision or
2 application, and to this end the provisions of this act are
3 declared to be severable.

4 Section 28. Repeal.

5 All acts and parts of acts are repealed insofar as they are
6 inconsistent with this act.

7 Section 29. Effective date.

8 This act shall take effect in one year.